

21 C.J.S. Courts § 240

Corpus Juris Secundum | May 2023 Update

Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.


VI. Rules of Adjudication, Decisions, and Opinions

D. Opinions

§ 240. Scope and sufficiency

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

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Unless required by statute, an opinion of an appellate court need not discuss all points raised.

A trial court does not need to expressly respond to or comment on every factual and legal argument made by the parties in its opinion.¹ Similarly, unless it is required to do so by a statute or rule,² such as when an intermediate court's opinion must expressly address a question before the state supreme court acquires jurisdiction to review it,³ an appellate court need not discuss and pass on all points raised on appeal.⁴ However, an opinion that merely adopts and incorporates by reference one party's brief is inadequate.⁵ The discussion should be limited to meritorious appellate points.⁶

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Footnotes

- 1 U.S.—[Westside Property Owners v. Schlesinger](#), 597 F.2d 1214 (9th Cir. 1979).
Fla.—[Crumpton v. Crumpton](#), 443 So. 2d 315 (Fla. 1st DCA 1983).
- 2 Ohio—[Gannett v. Booher](#), 12 Ohio App. 3d 49, 465 N.E.2d 1326 (6th Dist. Huron County 1983).
- 3 Fla.—[Gandy v. State](#), 846 So. 2d 1141 (Fla. 2003).
- 4 Md.—[Daiger v. Daiger](#), 154 Md. 501, 140 A. 717 (1928).

Mo.—*Evans v. Williams*, 222 Mo. App. 705, 4 S.W.2d 867 (1928).

N.C.—*Perry v. Sykes*, 215 N.C. 39, 200 S.E. 923 (1939).

Okla.—*Hendrix v. State*, 22 Okla. Crim. 230, 210 P. 734 (1922).

Utah—*Carter v. State*, 2012 UT 69, 289 P.3d 542 (Utah 2012).

5 Del.—*B.E.T., Inc. v. Board of Adjustment of Sussex County*, 499 A.2d 811 (Del. 1985).

6 Mich.—*Gambino v. Northern Ins. Co. of New York*, 234 Mich. 651, 209 N.W. 119 (1926).

Okla.—*Wilson v. State*, 1914 OK CR 22, 10 Okla. Crim. 518, 139 P. 528 (1914).

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